

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID E. MARTINEZ,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 78775-COA

FILED

MAR 12 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Yourey
DEPUTY CLERK

ORDER OF AFFIRMANCE

David E. Martinez appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on April 26, 2018.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

Martinez argues that the district court erred by denying his petition as moot. Specifically, he states he understands he is not entitled to credits because he has already expired his sentence in this case, but he wants a determination that the Nevada Department of Corrections (NDOC) erred by failing to apply credits to his minimum term so that he can seek monetary damages.

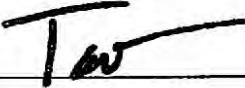
“[W]hen appellant expired his sentence, any question as to the method of computing those sentences was rendered moot.” *Johnson v. Dir., Nev. Dep’t of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989). The district court denied Martinez’ claim as moot because he expired his sentence. The record supports the decision of the district court. To the

¹Martinez does not challenge the portion of the district court’s order denying the postconviction petition for a writ of habeas corpus filed on June 4, 2018.

extent Martinez is seeking a ruling regarding NDOC's error in order to receive monetary damages in a separate civil case filing, this claim is outside the scope of a postconviction petition for a writ of habeas corpus challenging the computation of time served because he is not seeking additional time credits. Therefore, we conclude the district court did not err by denying the petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
David E. Martinez
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk